

Davis Lawyers Sought

By Philip Hager
Los Angeles Times

SAN JOSE, Calif., May 28—Angela Davis' lawyers had promised an "abbreviated defense," and it was.

It took them only three days last week to present but 11 witnesses—in sharp contrast to a prosecution presentation that had covered eight weeks and testimony from 95 witnesses.

Thus, with what is likely to be brief rebuttal testimony when the trial resumes Tuesday, the case, after closing arguments and the judge's instructions, may go to the jury by week's end.

Miss Davis, charged with murder, kidnaping and conspiracy in an alleged plot that led to Northern California's Marin County civic center kidnap attempt and shooting of Aug. 7, 1970, did not take the witness stand.

The defense chose to counter the lengthy, methodical and circumstantial case of the prosecution with short, limited testimony from a series of alibi witnesses who would answer the main allegations raised against the defendant.

The question of whether to call Miss Davis—or any witnesses—was debated for some time among her lawyers and defense committee members.

Some contend the prosecution case was so "God-awful weak" (as one person described it) that calling defense witnesses was an unnecessary risk. They believed that the strongest argument to make to the jury was the one that attorney Leo Branton Jr. presented in a motion (still pending before the court) for a directed verdict of acquittal.

That the acts the prosecution says show Miss Davis' guilt—mainly, buying guns later used in the kidnap at-

Trial Contrast

tempt, being associated with Jonathan Jackson, one of the kidnapers, and then fleeing the state after the incident—are also consistent with her innocence, and that a jury would have no choice but to find there was at least "reasonable doubt" she had knowingly joined in a kidnaping plot.

Should the defendant herself take the stand?

The argument that prevailed was that to do so would be to subject the 28-year-old Communist and black militant to an intensive and wide-ranging cross-examination that might weaken her position with the jury.

Lawyers in the case are

son from her jail cell the summer after the kidnap attempt.

The state had sought to introduce the document to support its contention that she so loved Jackson, one of the so-called "Soledad Brothers," that she joined his 17-year-old brother (Jonathan) in a plot to take hostages to bargain for the convicts' release.

The defense concluded that the prosecution would be able to get the diary—and other strongly worded statements and writings on everything from capitalism to prison conditions—before the jury, had Miss Davis appeared as a witness.

There are, of course, risks for the defendant in not taking the witness stand. But the defense, with short and simple testimony from other witnesses, sought to answer for the jury the primary questions raised by the prosecution.

Had Miss Davis been with Jonathan Jackson when he visited his brother at San Quentin Prison two days before the kidnap attempt, as prison guards had testified? A day-care center operator and organizer for the Soledad Brothers Defense Committee said that at that time she and Miss Davis were having lunch together in a private residence in San Francisco.

Had she been with Jonathan Jackson on Aug. 6, at both San Quentin and a service station near the civic

forbidden by court order to comment outside court, but one defense supporter noted: "Once the defendant takes the stand, the entire issue of guilt or innocence becomes an issue and there are no limits to cross-examination. Every speech or writing or anything else that could conceivably bear on her state of mind could come into evidence."

For example, the defense had succeeded in suppressing as evidence some 15 pages of an 18-page "diary" the prosecution said she wrote convict George Jack-

center in the rented yellow van he used in the kidnap attempt the next day? Prosecution eyewitnesses said yes, but a San Francisco attorney said he had met her in downtown San Francisco at that time, and had given her a ride in his Mercedes to Berkeley.

Had she driven to the San Francisco Airport Aug. 7 to meet the kidnapers and then "hurriedly" taken a 2 p.m. flight to Los Angeles three hours after the shooting and



Associated Press

Angela Davis was photographed in 1970 picketing with Jonathan Jackson in Los Angeles a week before the Marin County courtroom shootout in which she was charged.

the deaths of four persons at the civic center.

The editor of the People's World, a weekly newspaper supported by the Communist Party, said he had driven her to the airport that afternoon—without knowledge of the kidnap incident—and that she had taken the 2 p.m. flight at the suggestion of a ticket agent, although she had intended to take one at 3 p.m.

And what about the four guns she acknowledged purchasing—including the shotgun that eventually killed Judge Harold J. Haley?

Her former roommate said three of the weapons had been kept at her Los Angeles home and that Miss

Davis appeared surprised when she discovered them missing the morning of Aug. 8.

Jonathan Jackson, the ex-roommate said, had been at the residence the week before and had been left alone there for one period.

Another witness, a Los Angeles social worker, said Miss Davis had been at her home for dinner the night of Aug. 7, and seemed stunned and had cried when a friend called late that night to tell them of the civic center incident and the death of young Jackson.

The social worker said that the next morning, Miss Davis had remarked after

reading news accounts of the shooting that she had bought a shotgun for the defense of the Soledad Brothers Defense Committee headquarters in San Francisco and had given it to Jonathan Jackson.

Should the jury disbelieve the prosecution's eye witnesses? The defense called an expert witness, and associate professor of psychology, who testified at length on the factors—such as shortness of time of identification, bias and prejudice that can lead to what he described as "under many circumstances, extremely unreliable" eyewitnesses testimony.

Assistant California Attorney General Albert W. Harris Jr. cross-examined several defense witnesses closely. Miss Davis' witness conceded they were supporters of the defendant and that they had not come forward to tell their stories to law enforcement authorities.

One of the witnesses, attorney Marvin Stender, husband of Faye Stender, who in turn was George Jackson's lawyer, elaborated on this point when he answered a question from Harris, saying: "I didn't think your office was interested in finding out the truth."